

REMARKS

This responds to the Office Action mailed on February 10, 2005, and the references cited therewith.

Claims 1-16, 20-27, 29-30, 32-33, 38-39, and 41-42 are amended, no claims are canceled, and no claims are added; as a result, claims 1-45 remain pending in this application.

Claim 25 Amendment

Claim 25 has been amended to clarify the claim. The claim as originally filed included the term “state diagram.” Although “state diagram” is a synonymous term with “statechart,” as described in the specification, the claim is amended to ensure proper antecedent basis. Specification, page 6, lines 18-19. Entry of this amendment is earnestly requested.

§101 Rejection of the Claims

Claims 1-16 were rejected under 35 U.S.C. § 101 because the Office Action asserts the claimed invention is directed to non-statutory subject matter.

Claims 1-16 have been amended to clarify that the claims relate to computerized methods. These computerized methods operate to produce a useful, concrete, and tangible result. For example, claims 1-8 operate to produce a potential statechart and claims 9-16 operate to produce a deterministic statechart. Thus, applicant respectfully requests reconsideration and withdrawal of the § 112 rejection of claims 1-16.

§112 Rejection of the Claims

Claims 3, 4, 7, 8, 12-16, 20-24, 26, 27, 29, 30, 32, 33, 38, 39, 41, and 42 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The indefinite rejection is based on the use of the language “is useful for” language, or derivative thereof, in the listed claims.

Claims 3, 4, 7, 8, 12-16, 20-24, 26, 27, 29, 30, 32, 33, 38, 39, 41, and 42 have been amended to clarify the claims. These amendments clarify the claims to with active, positive steps delimiting how the previously claimed use is practiced.

Thus, applicant respectfully requests reconsideration and withdrawal of the §112 rejection of claims 3, 4, 7, 8, 12-16, 20-24, 26, 27, 29, 30, 32, 33, 38, 39, 41, and 42.

§102 Rejection of the Claims

Claims 9-45 were rejected under 35 U.S.C. § 102(e) for anticipation by Coad et al. (U.S. 6,851,107)(hereinafter “Coad”). Applicant respectfully traverses the §102(e) rejection because Coad fails to teach or suggest all of the claimed subject matter.

For example, claim 9 includes the subject matter, “creating a feature diagram and a corresponding potential statechart.” “The root of a feature diagram is a concept.” Specification, page 4, lines 26-27. A feature diagram is used at a high level to model concepts and concept features which are to be included in a system, rather than a system itself. Further insight into the composition of a feature diagram is provided in the specification, such as at page 5, line 16 – page 6, line 30. In contrast, the Office Action asserts that the component diagrams of Coad provide an equivalent teaching. However, as set forth in Coad, the component diagrams merely provide a static architectural view of a system or its component parts. Col. 17, lines 34-43. This plainly does not include a concept and is not in the same context as in a feature diagram.

Further, claim 9 also includes, “modifying the feature diagram.” This also is not taught by the concept diagram of Coad because Coad provides that the architectural view, which includes the concept diagram, is static. Col. 17, lines 34-47. Thus, because the concept diagram is static, the third portion of claim 9 is not taught either. This third portion of claim 9 provides, “making modifications to the potential statechart that correspond to the modifications of the feature diagram to produce a deterministic statechart.” If the concept diagram is static, a corresponding statechart cannot be modified based on changes that cannot be made.

Thus, independent claim 9 is patentable because the Coad fails to teach or suggest a feature diagram, and even if it did, the asserted teaching of a feature diagram is static, contrary to the modifiable feature diagram of claim 9.

The rejections of claims 10-24 and 31-45 are also based on Coad. Each of these claims include a feature diagram and modifications thereto. Thus, claims 10-24 and 31-45 are patentable over Coad for at least the same reasons as claim 9.

With regard to claim 25, Coad fails to teach a feature diagram as argued above with respect to claim 9. Further, claim 25 provides that the one or more deterministic statecharts are generated from one or more feature diagrams. Even if Coad is found to teach feature diagrams from the concept diagrams as asserted in the Office Action, the concept diagrams of Coad are representations of a system or its component parts. These representations are derived from a system developed by manipulating code or statecharts. This does not include a teaching of generating computer executable code from one or more statecharts generated from one or more feature diagrams as claimed. The concept diagrams of Coad are an end product of development instead of an intermediate product used to develop a product. Thus, Coad not only fails to teach a feature diagram, it also fails to provide a corresponding diagram in the same context. Independent claim 25 is therefore, not anticipated by Coad.

Claims 26-30 depend directly from independent claim 25 and are patentable for at least the same reasons.

Thus, claims 9-45 are patentable over Coad. Reconsideration and withdrawal of the §102(e) rejection is respectfully requested.

§103 Rejection of the Claims

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Coad (U.S. 6,851,107) in view of Pruitt (U.S. 6,179,490). Applicant respectfully traverses this rejection.

Independent claims 1 and 5 both include a feature diagram, which, as argued above with respect to claim 9, is not taught by Coad. Further, both claims 1 and 5 provide for a state-type feature added to the feature diagram. This also, as argued above with respect to claim 9, is not

taught by Coad. Instead, Coad provides a static component diagram. Pruitt fails to cure these deficiencies.

Thus, independent claims 1 and 5 are patentable over the combination of Coad in view of Pruitt, because the references fail to teach or suggest all the claimed subject matter. Claims 2-4 and 6-8 depend from independent claims 1 and 5, respectively, and are patentable for at least the same reasons.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SHANE CLIFFORD

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6912

Date

July 11, 2005

By

Timothy E. Bianchi
Timothy E. Bianchi
Reg. No. 39,610

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of July, 2005.

Name

Tina Kohut

Signature

Z. W. H.

IN THE DRAWINGS

Corrected drawings are supplied herewith. The corrected drawings have been amended to include the proper title. Entry of the corrected drawings is requested.